

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1311

Introduced by Assembly Member Bradford

February 22, 2013

An act to amend Section 24041 11302 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1311, as amended, Bradford. ~~Voting qualifications. Recall elections.~~

Under existing law, if a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election is required to proceed. The vacancy in that office is required to be filled as provided by law, but a person appointed to fill the vacancy holds office only until a successor is selected and qualifies for that office.

This bill would provide that upon the occurrence of a vacancy, the elections official for each county in which a section of the recall petition has been filed is required to immediately verify the signatures on the petition submitted to the elections official as of the date of the vacancy. If the elections official verifies that a sufficient number of signatures were filed as of the date of the vacancy, the recall election would be required to proceed. If the elections official verifies that an insufficient number of signatures, or no signatures, were filed as of the date of the vacancy, the recall election would not proceed and the vacancy in the office that is the subject of the recall election would be filled as otherwise provided by law. The bill would delete the requirement that a person appointed to fill the vacancy holds office only until a successor is selected and instead would prohibit a person who was subject to a

recall petition from being appointed to fill the vacancy in the office that he or she vacated or to fill any other vacancy in office on the same governing board for the duration of the term of office of the vacated seat.

Existing law provides that any person who is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election is eligible to register to vote.

~~This bill would make a technical, nonsubstantive change to this law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 11302 of the Elections Code is amended*
2 *to read:*

3 11302. ~~If—(a) Except as described in paragraph (3) of~~
4 ~~subdivision (b), if a vacancy occurs in an office after a recall~~
5 ~~petition is filed against the vacating officer, the recall election shall~~
6 ~~nevertheless proceed. The vacancy shall be filled as provided by~~
7 ~~law, but any person appointed to fill the vacancy shall hold office~~
8 ~~only until a successor is selected in accordance with Article 4~~
9 ~~(commencing with Section 11360) or Article 5 (commencing with~~
10 ~~Section 11380), and the successor qualifies for that office.~~

11 ~~(b) (1) Upon the occurrence of the vacancy, the elections official~~
12 ~~for each county in which a section of the recall petition has been~~
13 ~~filed shall immediately verify the signatures on the petition~~
14 ~~submitted to the elections official as of the date of the vacancy.~~

15 ~~(2) If the elections official verifies that a sufficient number of~~
16 ~~signatures were filed as of the date of the vacancy, the recall~~
17 ~~election shall proceed.~~

18 ~~(3) If the elections official verifies that an insufficient number~~
19 ~~of signatures, or no signatures, were filed as of the date of the~~
20 ~~vacancy, the recall election shall not proceed and a vacancy in~~
21 ~~the office that is the subject of the recall election shall be filled as~~
22 ~~otherwise provided by law.~~

23 ~~(4) A person who was subject to a recall petition may not be~~
24 ~~appointed to fill the vacancy in the office that he or she vacated~~
25 ~~and that person may not be appointed to fill any other vacancy in~~

1 *office on the same governing board for the duration of the term of*
2 *office of the seat that he or she vacated.*

3 ~~SECTION 1. Section 2101 of the Elections Code is amended~~
4 ~~to read:~~

5 ~~2101. A person entitled to register to vote shall be a United~~
6 ~~States citizen, a resident of the state, not in prison or on parole for~~
7 ~~the conviction of a felony, and at least 18 years of age at the time~~
8 ~~of the next election.~~

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